

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **October 28, 2003**

AGENDA ITEM NO.: 10

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Conditional Use Permit (CUP) – 2002-2004 Wards Ferry Road**

RECOMMENDATION: Approval of the requested CUP.

SUMMARY: Mark and Joyce Hartless are petitioning for a Conditional Use Permit at 2002-2004 Wards Ferry Road for the construction of 47 townhomes for sale in an R-3, Medium Density, Two-Family Residential District.

At the October 14, 2003, City Council meeting, the City Council postponed action on the item so a traffic study could be conducted by the City's Traffic Engineer, and comments from the representative at the September 24, 2003 Planning Commission meeting concerning a left turn lane could be verified. Upon review of the recording of the September 24, 2003 Planning Commission meeting, it was found that the representative for the petition did not state that a left turn lane would be constructed. A copy of the traffic analysis prepared by the City's Traffic Engineer is attached.

PRIOR ACTION(S):

September 24, 2003: Planning Division recommended approval of the CUP

Planning Commission recommended approval (6-1) of the CUP with the following conditions:

1. The property will be developed in substantial compliance with the revised site plan prepared by Acres of Virginia, Inc., and approved by the Planning Division.
2. The right turn lane shown on the original site plan leading from Wards Ferry Road into the development will be included on the revised site plan and will be constructed.
3. Sight distances at the front entrance will be approved by the City Traffic Engineer before the revised site plan can be approved.
4. To accommodate sight distance requirements, placement of street trees will require setback to be approved by the City's Urban Forester.
5. The buildings will meet all building code requirements as determined by the Inspections Division.
6. A subdivision plat vacating all interior lot lines will be submitted and approved prior to approval of the final site plan.

October 14, 2003: City Council postponed action on item.

FISCAL IMPACT: N/A

CONTACT(S): Rachel Flynn / 847-1508, ext. 253
Tom Martin / 847-1508, ext. 226

ATTACHMENT(S): Resolution, PC Report, PC minutes, Site plan, Memorandum, Traffic Analysis

REVIEWED BY: lkp

RESOLUTION

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO MARK AND JOYCE HARTLESS FOR USE OF THE PROPERTY AT 2002-2004 WARDS FERRY ROAD TO CONSTRUCT TOWNHOMES, SUBJECT TO CERTAIN CONDITIONS.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG That the petition of Mark and Joyce Hartless for a Conditional Use Permit at 2002-2004 Wards Ferry Road to construct forty-seven (47) townhomes be, and the same is hereby, approved, subject to the following conditions:

1. The property will be developed in substantial compliance with the revised site plan prepared by Acres of Virginia, Inc. and approved by the Planning Division.
2. The right turn lane shown on the original site plan leading from Wards Ferry Road into the development will be included on the revised site plan and will be constructed.
3. Sight distances at the front entrance will be approved by the City Traffic Engineer before the revised site plan can be approved.
4. To accommodate sight distance requirements, placement of street trees will require setback to be approved by the City's Urban Forester.
5. The buildings will meet all building code requirements as determined by the Inspections Division.
6. A subdivision plat vacating all interior lot lines will be submitted and approved prior to approval of the final site plan.

Adopted:

Certified:

Clerk of Council

184L

The Department of Community Planning & Development
City Hall, Lynchburg, VA 24504 434-847-1508

To: Planning Commission
From: Planning Division
Date: September 24, 2003
Re: **CONDITIONAL USE PERMIT (CUP): Fountain Gate Townhomes, 2002-2004 Wards Ferry Road**

I. PETITIONER

Mark C. and Joyce H. Hartless, 316 Breezewood Drive, Lynchburg, VA 24504

Representative: Tommy Brooks, Sr., Acres of Virginia, Inc., 404 Clay Street, Lynchburg, VA 24504

II. LOCATION

The subject property is a tract of about 4.323 acres at 2002-2004 Wards Ferry Road across from Aaron Place.

Property Owners: Mark C. and Joyce H. Hartless, 316 Breezewood Drive, Lynchburg, VA 24504

III. PURPOSE

The purpose of this petition is to allow construction of 47 townhomes for sale.

IV. SUMMARY

- Petition agrees with the Comprehensive Plan in that the area is designated Medium Density Residential, which recommends development of small-lot single family detached housing, duplexes, and townhomes at densities of up to 12 units per acre.
- Petition agrees with the Zoning Ordinance in that townhomes are allowed in an R-3, Medium Density Two-Family Residential District with approval of a CUP from City Council.
- Petition proposes the construction of 47 townhomes for sale, along with parking and recreational facilities.

The Planning Division recommends approval of the CUP petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* recommends Medium Density Residential development in this area. Medium Density Residential includes small-lot single family detached housing, duplexes, and townhomes at densities of up to 12 units per acre. Where neighborhoods already exist, infill development should be at a compatible density and housing type. The proposed Fountain Gate townhomes will be compatible with the adjoining small lot single family detached development on Water Gate Drive.
2. **Zoning.** The subject property was annexed into the City in 1976. The existing R-3, Medium Density Two-Family Residential zoning was established in 1978 with the adoption of the current *Zoning Ordinance*. Townhomes may be developed in an R-3 district with a CUP from City Council.
3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the proposed townhomes and related facilities.
4. **Surrounding Area.** There have been no items requiring City Council approval in the immediate area in the last several years.
5. **Site Description.** The subject property is bounded to the north by a small-lot single family home development, to the east, west, and south by scattered single-family homes and some vacant land.
6. **Proposed Use of Property.** The purpose of the CUP is to allow construction of 47 townhomes for sale, along with parking and recreational facilities.
7. **Traffic and Parking.** The City Traffic Engineer has requested construction of a right turn lane from Wards Road into the property and has expressed concern about the sight lines for drivers using the front entrance. Otherwise, traffic impacts are expected to be minimal.
8. **Storm Water Management.** The City's Environmental Planner has requested, prior to the Planning Commission hearing, a drainage area map based on current conditions of the site. This project will also

require submission of an Erosion and Sediment Control/Stormwater Management Plan and Narrative, submission of a Stormwater System Maintenance Agreement for the project, and provision for the use of Best Management Practices ("BMPs") for water quality management.

9. **Impact.** Development of these 47 townhomes, along with parking and recreational facilities, will not have any negative visual impacts on the surrounding neighborhood. The design and layout of the buildings is acceptable.

Location of the tot lot needs to be moved away from the lot line of the nearest townhomes.

10. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on September 2, 2003. Numerous comments have been submitted to the project proponent and further comments have been reserved until a revised site plan has been received.
11. **Conditions.** According to Section 35.1-15 (f) of the Zoning Ordinance, the Planning Commission or City Council may impose any conditions deemed necessary of appropriate in approving a CUP.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to the City Council approval of the petition of Mark C. and Joyce H. Hartless for a conditional use permit at 2002-2004 Wards Ferry Road for the construction of 47 townhomes subject to the following conditions:

1. **The property will be developed in substantial compliance with the revised site plan prepared by Acres of Virginia, Inc. and approved by the Planning Division.**
2. **The right turn lane shown on the original site plan leading from Wards Ferry Road into the development will be included on the revised site plan and will be constructed.**
3. **Sight distances at the front entrance will be approved by the City Traffic Engineer before the revised site plan can be approved.**
4. **To accommodate sight distance requirements, placement of street trees will require setback to be approved by the City's Urban Forester.**
5. **The buildings will meet all building code requirements as determined by the Inspections Division.**
6. **A subdivision plat vacating all interior lot lines will be submitted and approved prior to approval of the final site plan.**

This matter is respectfully offered for your consideration.

William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Rachel O. Flynn, Director of Community Planning & Development
Mr. Bruce A. McNabb, Director of Public Works
Mr. Doug Dejarnette, Fire Marshal
Mr. J. Lee Newland, Director of Engineering
Mr. Gerry L. Harter, Traffic Engineer
Mr. Karl Cooler, Building Commissioner
Ms. Judith C. Wiegand, Senior Planner
Mr. Arthur L. Tolley, Zoning Official
Mr. Robert S. Fowler, Zoning Official
Mr. Thomas Brooks, Sr., Representative

VII. ATTACHMENTS

1. **Vicinity Zoning Pattern**

(see attached map)

2. **Vicinity Proposed Land Use**

(see attached map)

3. **Site Plan**

(see attached site plans)

4. **Narrative**

(see attached narrative)

PLANNING COMMISSION MINUTES
SEPTEMBER 24, 2003

THESE MINUTES HAVE NOT BEEN REVIEWED NOR APPROVED BY THE COMMISSION.

Petition of Mark and Joyce Hartless, for a conditional use permit at 2002, 2004 Wards Ferry Road to allow the construction of townhouse units for sale in an R-3, Two-Family Residential District.

Tommy Brooks, Sr. represented the petitioners, Mark and Joyce Hartless. Mr. Brooks explained that the Hartless' had recently purchased the property at the intersection of Wards Ferry Road and Aaron Place with the intention of building 19 duplexes for a total of 38 rental units. He said even though the duplexes would be allowed by right, due to the topography of the site, the owners decided to build townhomes instead, which required a CUP. Mr. Brooks said the units would be stick built with a brick and vinyl exterior. He said the units would sell for approximately \$135,000 depending on upgrades, and the homeowners would be part of an association with home owner fees being used for upkeep of the green space and landscaping, and pavement repairs. He explained that the owners were hoping to complete the project in approximately two years, depending on the sales of the units. Mr. Brooks said they had addressed the TRC's concerns regarding the installation of sidewalks, meeting the City's parking requirements, providing parking and driveway lanes large enough for emergency vehicle access with an adequate turn radius, and the installation of a turn land on Wards Ferry Road. He explained that the three existing ponds on site would handle the stormwater prior to it being discharged into adequate channels. He added that there would be no disturbance of land in the 100-year flood zone.

Mr. Larry Simons, 100 Aaron Place, Unit 3 represented the nine-unit townhome association across from the proposed development. He explained that he and his neighbors were opposed to the petition due to the traffic. Mr. Simons said they were under the impression that the entrance to the site would be directly across from the entrance to Aaron Place and they were concerned with the double blind curve at that entrance. He added that traffic got worse when Wards Crossing was built and continues to increase as new stores and restaurants are opened.

Mr. Brooks gave a rebuttal, and confirmed that the entrance to the proposed development was directly across from Aaron Place, which was where the City Traffic Engineer requested that it be. He explained that according to the Virginia Department of Transportation there could be as many as 470 car trips per day in and out of the site. He said VDOT calculates 10 trips per day per car, which is an exaggerated number.

Commissioner Moore asked if the detention swell was to collect water and direct it to the detention pond. He asked if there were other houses on the site.

Mr. Brooks responded that the detention swell was to collect water and keep it from draining onto Wards Ferry Road and into the City's storm sewer. He added that the water would not overflow onto the neighboring property. Mr. Brooks said there were currently two houses on the subject property and both would be demolished. He said he was not sure if there was a structure on the adjacent property, and added that the petitioner had spoken to the adjoining property owner concerning purchasing the property.

Commissioner Echols voiced his concern that there was only one means of ingress/egress onto the site, and asked how emergency personnel would enter the area if the entrance was blocked. He asked about the density of the units per acre and how many people could possibly reside in the development.

Mr. Brooks said the entrance to the site was developed according to the requests of the City's Traffic Engineer, and would meet the requirements for the necessary sight distance. He added that having two means of ingress/egress onto Wards Ferry Road would double the risk of traffic accidents. He explained that the blind entrance would be eliminated with the installation of the turn lane and with the clearing of the lot next door. Mr. Brooks said there could be as many as six people living in each unit, but added that an average number would probably be approximately 125 residents living at this development.

Mr. Martin said there could be 10.9 units per acres, so this development is in line with what is allowed in the Zoning Ordinance.

Mr. Simons gave a rebuttal. He said Mr. Brooks' points were well taken concerning access and problems that could potentially be created as a result of the new development. Mr. Simons reaffirmed his neighbor's concerns.

Commissioner Wilkins said the acceleration and deceleration lanes help ease the concern about increased traffic along that section of Wards Ferry Road.

Commissioner Worthington noted that the sight distances had been approved by the City Traffic Engineer.

Commissioner Moore said his concern was with the increased traffic near the high school. He suggested that caution or blinking lights be installed in a couple of locations in that area.

Mr. Gerry Harter, City Traffic Engineer, said the immediate concern at the proposed location was the sight problem, which will be taken care of by installing turn lanes and clearing the subject property as well as the adjoining property. He added that during the morning and afternoon peak hours the intersection could be challenging. Mr. Harter noted that the City was investigating the possibility of adding flashing signs and markings by the school

Chair Dahlgren said the City had taken every precaution possible to make this development safe, and he said, the developer had been cooperative to the City's request. He said he would support the petition.

After discussion Commissioner Worthington made the following motion, which was seconded by Commissioner Moore and passed by the following vote:

"That the Planning Commission recommends to the City Council approval of the petition of Mark C. and Joyce H. Hartless for a conditional use permit at 2002-2004 Wards Ferry Road for the construction of 47 townhomes subject to the following conditions:

1. The property will be developed in substantial compliance with the revised site plan prepared by Acres of Virginia, Inc. and approved by the Planning Division.
2. The right turn lane shown on the original site plan leading from Wards Ferry Road into the development will be included on the revised site plan and will be constructed.
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AYES:	Dahlgren, Flint, Moore, Pulliam Wilkins, Worthington	6
NOES:	Echols	1
ABSTENTIONS:		0



The Department of Community Planning & Development

Planning Division

847-1508

To: Tom Martin, City Planner
From: Betsy J. Webb-Shlager, Planning Technician
Subj: Fountain Gate Townhomes – turn lanes
Date: October 15, 2003

After reviewing the tapes from the September 24, 2003 Planning Commission meeting concerning the Fountain Gate Townhome project, I have found that Mr. Tommy Brooks, ACRES of Virginia did not indicate that there would be a left turn lane on to the site at 2002, 2004 Wards Ferry Road. Mr. Brooks' exact words follow.

"... Traffic entrances and things like that the City Traffic Engineer, I have dealt with Mr. Tolley before, they like to see these entrances really across from an entrance like this. I think it is probably a safer situation of having this entrance right across from here than it would be down here. At least if a car pulls here and one here they can see each other, and if they obey the laws they know which has the right-of-way, which in turn. We will have road widening right here, we'll have a turning lane going into the project and we'll have a decel lane so when they pull out of here they'll be able to get out right here and get back on the road."

If you need additional information or clarification, please let me know.

Date: October 20, 2003
Location: Wards Ferry Rd/Aaron Place

Performed by: DAS/GLH
Type of Study: Access

Introduction

This report summarizes the traffic analyses completed for the proposed Fountain Gate Apartments located on Wards Ferry Road across from Aaron Place. Fountain Gate is proposed to be a 47 unit privately owned townhome community with one main access onto Wards Ferry Road.

Existing Conditions

Currently, this three-way intersection is controlled by a stop-sign on Aaron Place with Wards Ferry having the right-of-way with no traffic control. The developers of the apartments are proposing to make this a four-way intersection with stop signs on Aaron Place and the Fountain Gate driveway. To the west, the grade increases with a sight distance of 300 feet. To the east, the grade decreases with a sight distance of 250 feet due to the trees and shrubs located below the curve. Wards Ferry Road has approximately 8,000 average daily vehicles of travel and 700 vehicles in the p.m. peak hour.

From January 1, 2000 to July 1, 2003 there have been two accidents at this location. One was an angle accident caused by someone traveling to close and the other accident occurred in the snow.

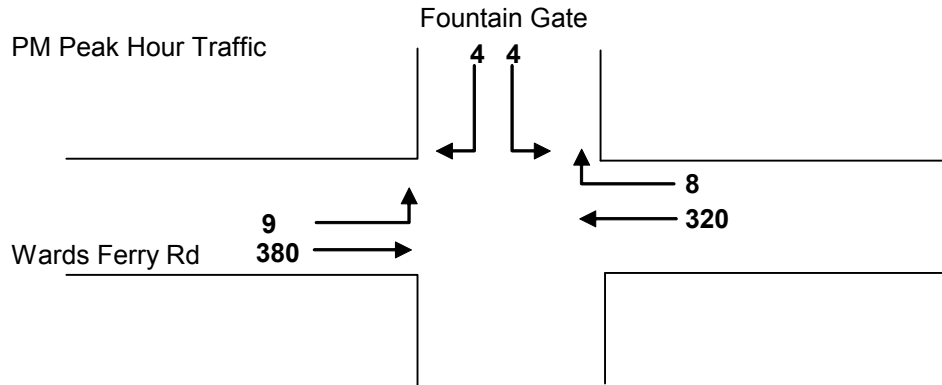
Engineering Evaluation

Trip generation was determined using the 6th Edition of the Institute of Transportation Engineers' Trip Generation manual. The table below summarizes the trip generation for this 47 unit privately owned Townhouse community.

Fountain Gate Townhomes
Estimated Trip Generation

	Rate	# of Units	Entering	Exiting
Weekday	5.86	47	138	138
AM Peak	0.44	47	4	17
PM Peak	0.54	47	17	8

From the above table it can be seen that this development generates 276 daily trips with 138 entering and 138 exiting. During the p.m. peak hour, 17 vehicles enter the site and 8 vehicles exit the site. The diagram below illustrates the trip distribution at the intersection.



From the above figure, it can be seen that approximately 9 vehicles will be making a left-turn in the p.m. peak hour. This figure does not show the vehicles entering or exiting Aaron Place but it is assumed that it is roughly the same number of vehicles. A capacity analysis was completed at this intersection using the Highway Capacity Software Unsignalized Intersection module. From this analysis, it was found that the intersection operates at Level of Service A or B at all approaches and queues were minimal at the intersection. Levels of Service A, B, or C is considered acceptable.

Sight distance is inadequate east of the proposed intersection. The available sight distance is 250 feet and 300 feet is necessary to have adequate sight distance. The recommendation was made to clear the overgrowth in front of the site to the east to improve sight distance. Much of the overgrowth lies on property not owned by the developer so it is doubtful that all of the overgrowth would be cleared to adequately improve sight distance.

Sight distance to the west was marginally acceptable with 300 feet available and 320 feet necessary for adequate sight distance (includes downhill grade). If some overgrowth is cleared to the west and within the City's right-of way this sight distance will be adequate.

Conclusions and Recommendations

Based on the analyses within this report, it was concluded to require the developer to construct a right-turn lane into the site since it was the opinion that the sight distance obstructions (to the east) would not be efficiently removed as they fall on property not owned by the developer. Also, the right-turn lane will help with the flow on Wards Ferry Road which is already a highly traveled corridor.

Due to the low estimated volume of traffic making a left-turn into the site in the p.m. peak hour (9 vehicles), it is not required to put in a left-turn lane, however, a left-turn lane would better facilitate traffic flow on Wards Ferry Road. It is required to clear some overgrowth to the west of the site within the City's right-of-way to maximize sight distance. The clearing of the overgrowth required as part of this development will also help the traffic flow in and out of the existing development on Aaron Place.

Intersection Photos



Figure 1. Overgrowth to the east that must be removed to obtain adequate sight distance by Developer.



Figure 2. Growth to the west in right-of-way to be removed.